

108TH CONGRESS
2ND SESSION

H. R. 1997

[Report No. 108–420, Part I]

To amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Ms. HART (for herself, Mr. CHABOT, Mr. NEY, Mr. FORBES, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. CARTER, Mr. COLE, Mr. COSTELLO, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HYDE, Mr. ISTOOK, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. OXLEY, Mr. PETERSON of Pennsylvania, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. RENZI, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. SULLIVAN, Mr. TERRY, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mrs. CUBIN, Mr. LUCAS of Kentucky, Mr. TOOMEY, Mr. CUNNINGHAM, Ms. HARRIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DELAY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. FEENEY, Mrs. BLACKBURN, Mr. BEAUPREZ, and Mr. GINGREY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

FEBRUARY 11, 2004

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

FEBRUARY 11, 2004

Additional sponsors: Mr. CANNON, Mr. LEWIS of Kentucky, Mr. SIMPSON, Mr. HUNTER, Mr. TANCREDO, Mr. BARRETT of South Carolina, Mr. GARY G. MILLER of California, Mr. NUNES, Mrs. NORTHUP, Mr. MURPHY, Mr. WAMP, Mr. CHOCOLA, Mr. BISHOP of Utah, Mr. ALEXANDER, Mr. BOOZMAN, Mr. SESSIONS, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. PETRI, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. COLLINS, Mr. EHLERS, Mr. MCINTYRE, Mr. SCHROCK, Ms. GINNY BROWN-WAITE of Florida, Mr. PLATTS, Mr. ISSA, Mr. BURNS, Mr. RAHALL, Mr. LUCAS of Oklahoma, Mr. ROGERS of Michigan, Mr. BARTON of Texas, Mrs. MILLER of Michigan, Mr. SHUSTER, Mr. HALL, and Mr. BALLENGER

FEBRUARY 11, 2004

Referral to the Committee on Armed Services extended for a period ending not later than February 11, 2004; Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 7, 2003]

A BILL

To amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Unborn Victims of Vio-*
 5 *lence Act of 2004” or “Laci and Conner’s Law”.*

6 **SEC. 2. PROTECTION OF UNBORN CHILDREN.**

7 *(a) IN GENERAL.—Title 18, United States Code, is*
 8 *amended by inserting after chapter 90 the following:*

1 **“CHAPTER 90A—PROTECTION OF UNBORN**
 2 **CHILDREN**

“Sec.

“1841. Protection of unborn children.

3 **“§ 1841. Protection of unborn children**

4 “(a)(1) Whoever engages in conduct that violates any
 5 of the provisions of law listed in subsection (b) and thereby
 6 causes the death of, or bodily injury (as defined in section
 7 1365) to, a child, who is in utero at the time the conduct
 8 takes place, is guilty of a separate offense under this section.

9 “(2)(A) Except as otherwise provided in this para-
 10 graph, the punishment for that separate offense is the same
 11 as the punishment provided under Federal law for that con-
 12 duct had that injury or death occurred to the unborn child’s
 13 mother.

14 “(B) An offense under this section does not require
 15 proof that—

16 “(i) the person engaging in the conduct had
 17 knowledge or should have had knowledge that the vic-
 18 tim of the underlying offense was pregnant; or

19 “(ii) the defendant intended to cause the death
 20 of, or bodily injury to, the unborn child.

21 “(C) If the person engaging in the conduct thereby in-
 22 tentiously kills or attempts to kill the unborn child, that
 23 person shall instead of being punished under subparagraph
 24 (A), be punished as provided under sections 1111, 1112, and

1 *1113 of this title for intentionally killing or attempting to*
 2 *kill a human being.*

3 *“(D) Notwithstanding any other provision of law, the*
 4 *death penalty shall not be imposed for an offense under this*
 5 *section.*

6 *“(b) The provisions referred to in subsection (a) are*
 7 *the following:*

8 *“(1) Sections 36, 37, 43, 111, 112, 113, 114, 115,*
 9 *229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1),*
 10 *and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116,*
 11 *1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203,*
 12 *1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864,*
 13 *1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958,*
 14 *1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191,*
 15 *2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332,*
 16 *2332a, 2332b, 2340A, and 2441 of this title.*

17 *“(2) Section 408(e) of the Controlled Substances*
 18 *Act of 1970 (21 U.S.C. 848(e)).*

19 *“(3) Section 202 of the Atomic Energy Act of*
 20 *1954 (42 U.S.C. 2283).*

21 *“(c) Nothing in this section shall be construed to per-*
 22 *mit the prosecution—*

23 *“(1) of any person for conduct relating to an*
 24 *abortion for which the consent of the pregnant*
 25 *woman, or a person authorized by law to act on her*

1 *behalf, has been obtained or for which such consent is*
 2 *implied by law;*

3 “(2) *of any person for any medical treatment of*
 4 *the pregnant woman or her unborn child; or*

5 “(3) *of any woman with respect to her unborn*
 6 *child.*

7 “(d) *As used in this section, the term ‘unborn child’*
 8 *means a child in utero, and the term ‘child in utero’ or*
 9 *‘child, who is in utero’ means a member of the species homo*
 10 *sapiens, at any stage of development, who is carried in the*
 11 *womb.”.*

12 (b) *CLERICAL AMENDMENT.—The table of chapters for*
 13 *part I of title 18, United States Code, is amended by insert-*
 14 *ing after the item relating to chapter 90 the following new*
 15 *item:*

“90A. Protection of unborn children 1841”.

16 **SEC. 3. MILITARY JUSTICE SYSTEM.**

17 (a) *PROTECTION OF UNBORN CHILDREN.—Subchapter*
 18 *X of chapter 47 of title 10, United States Code (the Uniform*
 19 *Code of Military Justice), is amended by inserting after sec-*
 20 *tion 919 (article 119) the following new section:*

21 **“§ 919a. Art. 119a. Protection of unborn children**

22 “(a)(1) *Any person subject to this chapter who engages*
 23 *in conduct that violates any of the provisions of law listed*
 24 *in subsection (b) and thereby causes the death of, or bodily*
 25 *injury (as defined in section 1365 of title 18) to, a child,*

1 *who is in utero at the time the conduct takes place, is guilty*
2 *of a separate offense under this section.*

3 “(2)(A) *Except as otherwise provided in this para-*
4 *graph, the punishment for that separate offense is the same*
5 *as the punishment provided under this chapter for that con-*
6 *duct had that injury or death occurred to the unborn child’s*
7 *mother.*

8 “(B) *An offense under this section does not require*
9 *proof that—*

10 “(i) *the person engaging in the conduct had*
11 *knowledge or should have had knowledge that the vic-*
12 *tim of the underlying offense was pregnant; or*

13 “(ii) *the accused intended to cause the death of,*
14 *or bodily injury to, the unborn child.*

15 “(C) *If the person engaging in the conduct thereby in-*
16 *tentionally kills or attempts to kill the unborn child, that*
17 *person shall, instead of being punished under subparagraph*
18 *(A), be punished as provided under sections 880, 918, and*
19 *919(a) of this title (articles 80, 118, and 119(a)) for inten-*
20 *tionally killing or attempting to kill a human being.*

21 “(D) *Notwithstanding any other provision of law, the*
22 *death penalty shall not be imposed for an offense under this*
23 *section.*

24 “(b) *The provisions referred to in subsection (a) are*
25 *sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and*

1 928 of this title (articles 118, 119(a), 119(b)(2), 120(a),
 2 122, 124, 126, and 128).

3 “(c) *Nothing in this section shall be construed to per-*
 4 *mit the prosecution—*

5 “(1) *of any person for conduct relating to an*
 6 *abortion for which the consent of the pregnant*
 7 *woman, or a person authorized by law to act on her*
 8 *behalf, has been obtained or for which such consent is*
 9 *implied by law;*

10 “(2) *of any person for any medical treatment of*
 11 *the pregnant woman or her unborn child; or*

12 “(3) *of any woman with respect to her unborn*
 13 *child.*

14 “(d) *In this section, the term ‘unborn child’ means a*
 15 *child in utero, and the term ‘child in utero’ or ‘child, who*
 16 *is in utero’ means a member of the species homo sapiens,*
 17 *at any stage of development, who is carried in the womb.”.*

18 (b) *CLERICAL AMENDMENT.—The table of sections at*
 19 *the beginning of such subchapter is amended by inserting*
 20 *after the item relating to section 919 the following new item:*

“919a. 119a. Protection of unborn children.”.

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